

भारत का राजपत्र **The Gazette of India**

असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

मं० 47] नई दिल्ली, बृहस्पतिवार, नवम्बर 12, 1970/कार्तिका 21, 1892 (शक)

No. 47] NEW DELHI, THURSDAY, NOVEMBER 12, 1970/KARTIKA 21, 1892 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 12th November, 1970:—

BILL No. 93 OF 1970

A bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1970. Short title and com-

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint. mence-

2. In article 16 of the Constitution, after clause (5), the following new clause shall be inserted, namely:— Amend-

“(6) All citizens shall have the right to employment and, in the event of their having failed to procure any employment, the State shall pay to every unemployed person a sustenance allowance.” ment of article 16.

STATEMENT OF OBJECTS AND REASONS

Article 39(a) of the Constitution enjoins upon the State, in particular, to direct its policy towards securing that the citizens, men and women equally, have the right to an adequate means of livelihood. Mainly because this right is not justiciable, the State has done precious little so far towards fulfilling this objective. The present dispensation which does not guarantee the right to employment is slowly and imperceptibly corroding the peoples' faith and confidence in the present set-up and edging on the country to the brink of a cataclysm. The Directive Principles of State Policy are certainly not meant to be empty platitudes but they are the corner stone, the substratum and the nucleus of the State activity. This Bill seeks to guarantee the right to employment and make it justiciable.

PRAKASH VIR SHASTRI

NEW DELHI;
The 6th August, 1970.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE
CONSTITUTION OF INDIA

[Copy of letter No. MP-10(138) 1970, dated the 29th August, 1970 from Shri D. Sanjivayya, Minister of Labour and Rehabilitation to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Constitution (Amendment) Bill, 1970 (*Amendment of article 16*) by Sarva-shri Prakash Vir Shastri, Ram Charan and Shiv Kumar Shastri, M.Ps. recommends the consideration of the Bill in the Lok Sabha under article 117(3) of the Constitution.

FINANCIAL MEMORANDUM

The Bill seeks to provide for the payment of sustenance allowance to those citizens who have failed to procure any suitable employment for themselves. This does not involve any non-recurring expenditure. The recurring expenditure from the Consolidated Fund of India is likely to be of the order of Rs. 5 crores.

BILL NO. 97 OF 1970

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

Short
title and
com-
mence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1970.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
the
Seventh
Schedule.

2. In the Seventh Schedule to the Constitution, in List I-Union List, after entry 54, the following new entry shall be inserted, namely:—

“54A. Preservation and improvement of breeds, and prohibiting the slaughter of cows and calves, oxen and other milch and draught cattle.”

STATEMENT OF OBJECTS AND REASONS

Necessary attention has not been devoted to the task of organising agriculture and animal husbandry. Although, article 48 lays down the necessity for this, yet a uniform policy in this direction has not been evolved. The aim and object of article 48 can be speedily and effectively achieved if Parliament is empowered to legislate on matters relating to the promotion of animal husbandry in all its vital aspects.

Hence the Bill.

NEW DELHI;

The 11th August, 1970.

OM PRAKASH TYAGI

BILL No. 96 OF 1970

A bill further to amend the Constitution of India.

It is enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1970.

Amend-
ment
of
article
74.

2. In article 74 of the Constitution,—

(i) for clause (1), the following clause shall be substituted, namely:—

“(1) There shall be a Council of Ministers, not exceeding 40 in number, with the Prime Minister at the head to aid and advise the President in the exercise of his functions, except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion.”;

(ii) clause (2) shall be re-numbered as clause (3) and before clause (3) as so re-numbered, the following clause shall be inserted, namely:—

“(2) If any question arises whether any matter is or is not a matter as respects which the President is by or under this Constitution required to act in his discretion, the decision of the President in his discretion shall be final, and the validity of anything done by the President shall not be called in question on the ground that he ought or ought not to have acted in his discretion.”; and

(iii) after clause (3) as re-numbered, the following clause shall be inserted, namely:—

“(4) Without prejudice to the generality of the foregoing clauses, the superintendence, direction and control of the elections, the appointment of the Prime Minister, the dissolution of the House of the People and the appointment of the judges of the Supreme Court and the High Courts shall be within the discretionary powers of the President.”.

STATEMENT OF OBJECTS AND REASONS

Our Constitutional set-up is broadly patterned on the British model and as such the Head of the State here, namely, the President in most of the cases acts on the advice tendered by the Council of Ministers. But there are certain matters such as the superintendence, direction and control of elections, appointment of the Prime Minister, dissolution of the House of the People and the appointment of the Judges of the Supreme Court and High Courts, in which he must act in his discretion for the smooth functioning of the democracy. In a kaleidoscopic situation at the Centre with group loyalties changing rapidly—as evinced by most of the States after the last general elections—the position and authority of an entrenched President assumes greater importance than the ephemeral Prime Minister. With a view to warding off any Constitutional crisis in future it is imperative that the President should be clothed with discretionary powers.

Hence this Bill.

NEW DELHI;
The 12th August, 1970.

PRAKASH VIR SHASTRI.

BILL No. 99 OF 1970

A bill further to amend the Indian Penal Code.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 1970.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Amend-
ment of
section 53.

2. To section 53 of the Indian Penal Code, the following proviso shall be added, namely:— 45 of 1860.

“Provided that notwithstanding anything contained in this section or any other section of this Code which empowers a Court to award a sentence of death, no Court shall inflict such a sentence for any offence in this Code, excepting an offence punishable under section 303, unless it finds appreciable aggravating factors in the crime, and which factors shall be clearly enumerated in the judgment of the Court.”

STATEMENT OF OBJECTS AND REASONS

The laws relating to Crime and Punishment have become outdated. The traditional crimes such as Murder and Dacoity pale into insignificance before the new type of anti-social crimes such as black-marketing, adulteration of drugs and foodstuffs etc., for while the murderer usually kills only one victim, these anti-social criminals commit wholesale murder and pose a far greater menace to the community than an ordinary murderer or a dacoit. And yet under the existing laws of punishment, it is the black-marketeer and the adulterator of drugs and foodstuffs who, even when he is found guilty, escapes with a light punishment, and it is the murderer and the dacoit who is awarded a much heavier sentence and quite frequently the extreme penalty of death.

The rising social consciousness of the people has also brought about a change in their perspective and crime is no longer looked upon as the isolated act of an individual but it is increasingly realised that the social and economic pressure of the environment created by the way of life adopted by the Community plays a very large part in forming, nursing and developing those mental and emotional aberrations which precipitate a crime. The responsibility for the crime is not of the individual alone but of the Community also and so a death sentence appears to be a legacy of the barbaric past. Further, statistics show that the death sentence has not achieved its purpose for the rising spiral of crime, including such offences which are punishable with death, shows that it has failed to act as a deterrent. Instances are also not wanting where an innocent person has paid this penalty but the finality of the sentence leaves no scope for amends and wanton killing was done in the name of justice.

Can the death penalty be abolished in every case? This experiment was tried in some foreign countries but it did not prove successful and it had to be brought back on the statute book though in a modified form.

This Bill is an attempt to reach a '*via media*'. While it does not totally abolish the death penalty it reverses the approach which should be made in such a case. The existing approach is that death penalty should normally be inflicted where a life has been taken, but if there are extenuating circumstances, the alternative punishment of life imprisonment should be awarded. The suggested approach in this Bill is that the normal punishment should be a sentence of imprisonment and only if there are appreciable aggravating factors, a death penalty should be inflicted.

Exception has been made in the case of an offence under section 303 of the Indian Penal Code for the aggravating factors exist in the definition of the offence itself.

NEW DELHI;

ANAND NARAIN MULLA.

The 12th August, 1970

BILL No. 101 of 1970

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

- | | |
|--------------------------------------|---|
| Short title. | 1. This Act may be called the Constitution (Amendment) Act, 1970. |
| Amend-
ment of
article
335. | 2. In article 335 of the Constitution,—
<div style="margin-left: 40px;">(i) the words “consistently with the maintenance of efficiency of administration” shall be omitted; and

<div style="margin-left: 40px;">(ii) after the word “appointments”, the words “and promotions” shall be inserted.</div></div> |

STATEMENT OF OBJECTS AND REASONS

It has been noticed that most of the Scheduled Caste and Scheduled Tribe candidates for services are rejected on the alleged ground that they were not found "suitable" for the posts for which the recruitment was made. Advertisements for recruitment issued by the various Government Departments and Public Undertakings openly announce that "if suitable Scheduled Caste and Scheduled Tribe candidates are not available, the posts will be treated as unreserved". This "suitability" is purely a subjective term and is more often than not made as an excuse for not selecting the Scheduled Caste and Scheduled Tribe candidates for services. The excuse of "suitability" is taken under the cover of the words "consistently with the maintenance of efficiency of administration" found occurring in article 335 of the Constitution. As these words have come to defeat the very principle of reservation enshrined in the Constitution which provides that the claims of Scheduled Castes and Scheduled Tribes shall be taken into consideration in making appointments to services and posts, these words should be omitted from article 335 of the Constitution.

2. It is also noticed that although reservations are provided for fresh recruitments to services but they are not so provided in the case of promotions in services to all categories of posts. This lacuna is intended to be removed by inserting the words 'and promotions' in article 335 of the Constitution.

3. The Bill seeks to achieve the purpose mentioned above.

NEW DELHI;

BENOY KRISHNA DASCHOWDHURY

The 18th August, 1970.

BILL No. 100 OF 1970

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1970.
2. In article 335 of the Constitution, the words “consistently with the maintenance of efficiency of administration” shall be omitted.

Short
title.

Amend-
ment of
article
335.

STATEMENT OF OBJECTS AND REASONS

The Constitution makers added the expression, proposed to be deleted through this Bill, in good faith and with the expectation that the executive authorities would be guided more by constitutional morality than by other considerations. But the experience of the last 21 years has belied this trust and hope. On the plea of maintenance of efficiency of administration the special constitutional provision for adequate representation for Scheduled Castes and Scheduled Tribes has been reduced to a farce.

Moreover, this expression is not to found elsewhere in the Constitution, even in provisions dealing with "services". Further, this is also against the spirit behind article 320 (4) of the Constitution.

Hence this Bill.

NEW DELHI;

S. M. SIDDAYYA.

The 17th August, 1970.

BILL No. 104 of 1970

A Bill to nationalise the private industrial companies.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Appropriation of the Appropriators Act, 1970. Short title.

2. The private industrial companies with paid-up capital of rupees one crore and above, as specified in the Schedule, are hereby taken over by the Government. Taking over of private industrial companies.

3. Notwithstanding Part III of the Constitution of India, no suit or proceedings shall be maintained in any court on the ground of any compensation whatsoever. Bar to suits for Compensation.

THE SCHEDULE

(See Section 2)

PRIVATE COMPANIES WHOSE PAID UP CAPITAL IS RUPEES ONE CRORE
AND ABOVE*(Concerns comprised in twenty larger industrial houses)*

S. No.	Name of concern	Paid-up capital (Rs. '000)	Assets (Rs. '000)
1	2	3	4
	A.C.C.		
1	Associated Cement Companies Ltd.	23,73,60	72,18,90
2	A.C.C.—Vickers-Babcock Ltd.	6,54,00	15,47,19
3	Asbestos Cement Ltd.	1,85,00	5,93,30
	ANDREW YULE		
4	Andrew Yule & Co. Ltd.	1,80,00	3,50,16
5	Bengal Coal Co. Ltd.	1,40,00	11,74,65
6	Clive Row Investment Holding Co. Ltd.	1,38,80	1,48,93
7	India Paper Pulp Co. Ltd.	1,23,48	3,29,42
	BANGUR		
8	Shree Digvijay Cement Co. Ltd.	3,29,40	10,84,28
9	West Coast Paper Mills Ltd.	2,40,00	7,41,16
10	Andhra Pradesh Paper Mills Ltd.	1,32,00	7,61,85
11	Fort Gloster Industries Ltd.	1,25,50	9,47,73
12	Shreenivas Cotton Mills Ltd.	1,14,80	5,29,46
13	Bengal Paper Mills Co. Ltd.	1,09,70	8,53,60
14	Shree Madhusudan Mills Ltd.	1,00,00	5,03,06
	BIRD-HEILGERS		
15	Titaghur Paper Mills Ltd.	3,10,94	13,49,88
16	Burrakur Coal Co. Ltd.	1,18,42	6,50,56
17	Eastern Investments Ltd.	1,01,89	1,73,79
18	Bolani Ores Ltd.	1,00,00	2,31,19
	BIRLA		
19	Hindustan Aluminium Corporation Ltd.	9,99,38	49,30,25
20	Hindustan Motors Ltd.	8,19,60	29,89,69
21	Jiyajee Rao Cotton Mills Ltd.	5,71,18	15,65,03

1	2	3	4
	BIRLA—Contd.		
22	Century Spg. & Mfg. Co. Ltd.	4,30,40	26,16,87
23	Gwalior Rayon Silk Mfg. (Wvg.) Co. Ltd.	4,00,77	22,99,04
24	Orient Paper Mills Ltd.	3,70,89	28,70,33
25	Pilani Investment Corpn. Ltd.	3,51,50	6,47,55
26	Sirpur Paper Mills Ltd.	3,44,61	7,22,51
27	Indian Rayon Corporation Ltd.	3,33,83	7,25,92
28	Kesoram Industries & Cotton Mills Ltd. (formerly Kesoram Cotton Mills Ltd.)	3,19,93	18,27,35
29	Sir-Silk Ltd.	3,02,01	8,26,86
30	Textile Machinery Corpn. Ltd.	2,90,00	18,94,44
31	Birla Jute Manufacturing Co. Ltd.	2,84,24	15,69,58
32	India Steamship Co. Ltd.	2,72,50	15,34,80
33	Renusagar Power Co. Ltd.	1,92,50	3,68,81
34	Jaya Shree Tea & Industries Ltd. (formerly Jay Shree Tea Gardens Ltd.)	1,88,38	6,72,15
35	Mysore Cements Ltd.	1,79,95	4,41,31
36	Electric Construction & Equipment Co. Ltd.	1,68,57	6,28,63
37	Central India Machinery Mfg. Co. Ltd.	1,50,00	9,70,22
38	Jaya Shree Textiles & Industries Ltd. (formerly Jay Shree Textiles Ltd.)	1,23,86	5,78,00
39	Hyderabad Allwyn Metal Works Ltd.	1,23,65	4,88,07
40	Universal Cables Ltd. (formerly Hindustan Woollen Mills Ltd.)	1,04,78	3,58,24
	GOENKA		
41	Asian Cables Corporation Ltd.	2,01,55	5,69,79
42	Duncan Brothers & Co. Ltd.	1,73,80	6,23,69
43	Phillips Carbon Black Ltd.	1,56,33	3,33,67
44	Woolcombers of India Ltd. (formerly Issac Holders (India) Ltd.)	1,04,99	2,14,94
	I.C.I.		
45	Indian Explosives Ltd.	4,80,20	9,86,95
46	Alkali & Chemical Corpn. of India	4,65,00	15,22,95
47	Chemicals & Fibres of India Ltd.	2,50,00	8,73,49
48	Atic Industries Ltd.	2,00,00	3,97,33
49	I.C.I. (India) Pvt. Ltd.	1,60,00	12,23,94
	J. K. (SINGHANIA)		
50	Straw Products Ltd.	2,15,00	7,91,84
51	Aluminium Corporation of India Ltd.	2,00,00	9,59,67
52	Juggilal Kamlatpat Cotton Spg. & Wvg. Mills Co. Ltd.	1,42,87	5,91,03
53	J.K. Synthetics Ltd. (formerly J.K. Investment Trust Ltd.)	1,25,00	8,32,97
54	Raymond Woollen Mills Ltd.	1,00,00	6,37,22

1	2	3	4
	KILACHAND (TULSIDAS)		
55	Synthetics & Chemicals Ltd.	5,74,33	17,93,48
56	Polychem Ltd.	1,20,00	4,28,30
	KILLICK		
57	Ahmedabad Electricity Co. Ltd.	8,74,77	22,23,17
58	Bombay Suburban Electric Supply Ltd.	2,58,68	11,18,65
59	Killick Industries Ltd.	1,24,95	3,68,42
60	Kohinoor Mills Co. Ltd.	1,04,79	5,18,67
	MAFATLAL		
61	National Organic Chemical Industries Ltd.	8,18,12	13,79,51
62	Polyolefin Industries Ltd.	3,57,56	8,98,99
63	Indian Dyestuff Industries Ltd.	2,60,19	10,15,84
64	Mafatlal Gagalbhai & Co. Pvt. Ltd.	1,26,25	5,96,95
65	Mafatlal Fine Spg. & Mfg. Co. Ltd.	1,16,00	10,61,78
66	Standard Mills Co. Ltd.	1,87,60	11,34,05
67	New Shorrock Spg. & Mfg. Co. Ltd.	1,25,00	13,33,88
	MARTIN BURN		
68	Indian Iron & Steel Co. Ltd.	15,14,04	1,03,95,19
69	Martin Burn Ltd.	2,07,12	11,88,58
70	Burn & Co. Ltd.	1,96,00	14,32,57
	SAHU JAIN		
71	Rohtas Industries Ltd.	6,04,78	16,58,71
72	Jaipur Udyog Ltd.	3,25,00	7,90,88
73	Bharat Nidhi Ltd.	2,01,32	2,69,69
	SCINDIA STEAM NAVIGATION		
74	Scindia Steam Navigation Co. Ltd.	11,28,19	51,21,50
	SARABHAI		
75	Ahmedabad Manufacturing & Calico Printing Co. Ltd.	2,48,08	22,45,18
	SHRI RAM		
76	Delhi Cloth & General Mills Co. Ltd.	7,96,17	44,73,13
77	Jay Engineering Works Ltd.	2,47,44	10,17,97
	SOORAJMULL NAGARMULL		
78	British India Corporation Ltd.	4,06,72	14,72,86
79	Asiatic Oxygen Ltd.	1,37,11	3,21,56
80	Britannia Engineering Co. Ltd.	1,31,95	7,18,25
	TATA		
81	Tata Iron & Steel Co. Ltd.	38,97,31	1,63,23,79
82	Tata Engineering & Locomotive Co. Ltd.	15,99,29	78,35,68

1	2	3	4
	TATA—Contd.		
83	Indian Tube Co. Ltd. [formerly Indian Tube Co. (1953) Ltd.]	7,77,97	21,67,46
84	Tata Power Co. Ltd.	6,02,33	39,86,85
85	Voltas Ltd.	4,28,40	31,04,60
86	Associated Bearing Co. Ltd.	4,00,00	7,44,09
87	Tata Chemicals Ltd.	3,62,35	11,92,23
88	Andhra Valley Power Supply Co. Ltd.	3,52,11	14,95,09
89	Belpahar Refractories Ltd.	3,50,00	6,75,06
90	Tata Hydro-Electric Power Supply Co. Ltd.	3,29,28	12,04,71
91	Ceat Tyres of India Ltd.	2,76,00	8,38,11
92	New India Assurance Co. Ltd.	2,27,87	33,77,85
93	Investment Corporation of India Ltd.	2,20,22	5,92,66
94	Tata Sons Pvt. Ltd.	2,11,54	9,69,74
95	Merck Sharp & Dohme of India Ltd.	1,80,00	2,98,39
96	Tata Oil Mills Co. Ltd.	1,70,05	12,49,30
97	West Bokaro Ltd.	1,50,00	2,00,79
98	Svadeshi Mills Co. Ltd.	1,25,00	8,52,78
99	Tata Industries Pvt. Ltd.	1,12,50	1,87,46
100	Henley Cables India Ltd.	1,07,33	2,13,13
101	Sassoon J. David & Co. Ltd.	1,00,00	2,35,67
	THAPAR		
102	Shree Gopal Paper Mills Ltd.	2,08,02	11,21,28
103	Crompton Greaves Ltd. [formerly Crompton Parkinson (Works) Ltd.]	1,91,46	9,22,97
104	Greaves Cotton Co. Ltd.	1,85,00	9,97,22
105	Ballarpur Paper & Straw Board Mills Ltd.	1,73,20	12,53,61
	WALCHAND		
106	Premier Automobiles Ltd.	7,47,82	30,24,92
107	Hindustan Construction Co. Ltd.	2,05,00	15,70,24
108	Walchandnagar Industries Ltd.	2,01,50	1,64,00
109	Premier Construction Co. Ltd.	1,84,26	3,91,12
110	Cooper Engineering Ltd.	1,35,57	5,96,37
111	Indian Hume Pipe Co. Ltd.	1,10,00	6,14,37
	Concerns Comprised in Fifty-three large Industrial Houses		
	A. & F. HARVEY		
112	Madura Mills Co. Ltd.	3,50,05	15,67,77
	AMIN		
113	Alembic Chemical Works Co. Ltd.	2,07,67	6,59,45
114	Alembic Glass Industries Ltd.	1,28,39	3,96,15

1	2	3	4
	BAJAJ		
115	Mukand & Iron Steel Works Ltd.	1,78,21	9,49,40
116	Hindustan Sugar Mills Ltd.	1,49,00	5,99,89
	B.N. FLIAS		
117	National Tobacco Co. of India Ltd.	1,24,95	7,35,20
	BALMER LAWRIE		
118	Balmer Lawrie & Co. Ltd.	1,44,03	5,42,35
	CHINAI		
119	National Rayon Corporation Ltd.	4,65,59	16,90,33
	DALMIA, R.K.		
120	Asia Udyog Pvt. Ltd.	1,05,00	26,15
	DALMIA, J.		
121	Orissa Cement Ltd.	2,65,00	7,04,06
122	Dalmia Cement (Bharat) Ltd.	2,52,57	9,19,91
123	Dalmia Cement Ltd.	1,50,00	3,84,24
	GILLANDERS ARBUTHNOT		
124	Indian Copper Corporation Ltd.	5,39,95	15,91,99
	JAYAPURIA		
125	Swadeshi Cotton Mills Co. Ltd.	2,10,00	11,77,51
	JARDINE HENDERSON		
126	Jardine Henderson Ltd.	2,50,00	9,44,76
127	Braithwaite & Co. (India) Ltd.	2,00,00	9,09,19
	KANORIA, R.K.		
128	Kanoria Chemicals & Industries Ltd.	1,19,71	2,78,09
	KASTURBHAI LALBHAI		
129	Atul Products Ltd.	3,92,81	18,09,79
130	Cibatul Ltd.	2,00,00	2,81,72
131	Arvind Mills Ltd.	1,41,00	7,26,83
	KHATAU		
132	Cable Corporation of India Ltd.	1,80,00	10,17,40
133	Khatau Makanji Spinning and Weaving Co. Ltd.	1,49,64	7,70,99
134	Seimend Engineering Mfg. Co. of India Ltd.	1,20,00	16,52,51
	KIRLOSKAR		
135	Bharat Forge Co. Ltd.	2,30,00	5,97,53
136	Kirloskar Cummins Ltd.	1,49,26	3,53,96
137	Kirloskar Electric Co. Ltd.	1,20,75	5,84,63
138	Kirloskar Oil Engines Ltd.	1,24,99	10,72,43
139	Mysore Kirloskar Ltd.	1,19,81	5,50,14

1	2	3	4
	MACNEILL & BARRY—BINNY (INCBCAPE)		
140	Buckingham & Carnatic Co. Ltd.	3,78,26	11,31,17
141	Macneill & Barry Ltd.	2,50,00	5,75,61
142	Bangalore Woollen, Cotton & Silk Mills Co. Ltd.	2,49,00	5,24,94
143	Binny Co. Ltd.	1,40,00	3,45,76
	MAHINDRA & MAHINDRA		
144	Mahindra Ugin Steel Co. Ltd.	3,33,14	7,55,72
145	Mahindra & Mahindra Ltd.	3,19,00	18,52,45
146	International Tractor Co. of India Ltd.	1,49,84	2,46,69
	MODI		
147	Modi Spg. & Wvg. Mills Co. Ltd.	1,73,43	11,34,02
148	Modi Industries Ltd. (formerly Modi Sugar Mills Ltd.)	1,32,10	5,98,92
	MURUGAPPA CHETTIAR TUBE INVESTMENT		
149	Tube Investment of India Ltd.	2,50,00	11,38,58
150	Travancore Rayons Ltd.	1,74,41	5,08,71
	NAIDU, G. V.		
151	South India Viscose Ltd.	4,90,00	8,11,95
152	Lakshmi Machine Works Ltd.	2,32,05	4,15,80
153	Lakshmi Mills Co. Ltd.	1,06,50	5,36,93
	NAIDU, V. R.		
154	Madras Aluminium Co. Ltd.	5,97,69	19,00,97
	NOWROSJEE WADIA		
155	Bombay Dyeing & Mfg. Co. Ltd.	3,01,18	16,96,85
	PARRY		
156	Herdillia Chemicals Ltd.	4,39,92	7,22,98
	PARRY—SECOND TIER		
157	Coromandel Fertilisers Ltd.	8,49,36	30,71,08
	PODAR		
158	Podar Mills Ltd.	1,35,96	5,72,65
	RALLIS		
159	Rallis India Ltd.	3,00,00	12,92,55
	RUIA		
160	Bombay Oxygen Corpn., Ltd.	1,49,18	1,68,45
	RUIA—SECOND TIER		
161	Colour-Chem Ltd.	1,25,00	5,54,04
	SESHASAYEE		
162	Seshasayee Paper & Boards Ltd.	3,49,79	7,53,88
163	Mettur Chemical & Industrial Corpn. Ltd.	2,99,43	6,53,67

1	2	3	4
	SESHASAYEE—Contd.		
164	Aluminium Industries Ltd.	2,31,16	8,78,87
165	South Madras Electric Supply Corpn. Ltd.	1,00,00	3,51,79
	SHAW WALLACE		
166	Tin Plate Co. of India Ltd.	1,25,00	5,56,50
	SHRIYANS PRASAD JAIN		
167	Dharngadhra Chemical Works Ltd.	1,67,50	8,05,28
	SIMPSON		
168	Tractors & Farms Equipment Ltd.	2,00,00	4,45,88
	SWEDISH MATCH		
169	Western India Match Co. Ltd.	4,12,50	11,30,10
	T. V. SUNDARAM IYENGAR		
170	Lucas TVS Ltd.	2,20,00	4,74,25
171	Brakes India Ltd.	1,65,30	3,69,49
172	Wheels India Ltd.	1,28,80	5,15,32
	TALUKDAR LAW		
173	Hindustan Pilkington Glass Works Ltd.	2,12,00	3,39,20
	V. RAMAKRISHNA		
174	K.C.P. Ltd.	1,80,62	10,76,95
175	Lakshmi-Vishnu Cotton Mills Ltd. (formerly Vishnu Cotton Mills Ltd. and Lakshmi Cotton Mfg. Co. Ltd.)	1,21,27	5,35,56
	WALLACE		
176	Bombay Burmah Trading Corporation Ltd.	2,68,33	9,60,36
177	Formica India Ltd.	1,11,00	2,07,23
	Large Independent Companies		
178	Oil India Ltd.	28,00,00	90,79,08
179	Imperial Tobacco Co. of India Ltd.	15,16,00	34,20,60
180	Burmah Shell Refineries Ltd.	14,53,83	34,25,38
181	Hindustan Lever Ltd.	11,55,63	33,10,85
182	Dunlop Rubber Co. (India) Ltd.	10,70,00	22,22,72
183	Ashok Leyland Ltd.	6,72,91	18,52,65
184	Indian Aluminium Co. Ltd.	6,40,58	29,41,08
185	Guest, Keen & Williams Ltd.	6,32,19	33,71,83
186	Baroda Rayon Corporation Ltd.	4,75,81	18,89,68
187	Indian Oxygen Ltd.	4,62,00	16,48,59
188	Caltex Oil Refining India Ltd.	4,50,00	17,92,71
189	Union Carbide India Ltd.	4,09,50	28,07,43
190	India Cements Ltd.	3,83,35	14,00,77
191	Phillips India Ltd.	3,64,00	18,28,99
192	Motor Industries Co. Ltd.	3,60,00	11,26,41
193	Metal Box Co. of India Ltd.	3,52,00	16,40,57

1	2	3	4
	Large Independent Companies—Contd.		
194	Ciba of India Ltd.	3,25,00	9,91,60
195	Utkal Machinery Ltd.	3,10,00	6,04,20
196	Esso Standard Running Co. of India Ltd.	3,00,00	27,34,52
197	Glaxo Laboratories (India) Pvt. Ltd.	3,00,00	12,65,15
198	Larsen & Toubro Ltd.	2,79,00	16,29,26
199	Hindustan Brown Boveri Ltd.	2,78,62	8,25,25
200	Goodyear India Ltd.	2,53,86	10,48,31
201	National Machinery Manufacturers Ltd.	2,52,40	11,47,63
202	Bata Shoe Company Pvt. Ltd.	2,50,00	13,76,32
203	India United Mills Ltd.	2,50,00	9,88,18
204	Indian Cable Co. Ltd.	2,48,65	11,25,67
205	Pfizer Ltd.	2,47,52	16,67,34
206	Escorts Ltd.	2,44,77	14,55,07
207	Ashok Paper Mills Ltd.	2,39,19	6,97,23
208	Vazir Sultan Tobacco Co. Ltd.	2,29,54	6,76,90
209	Jessop & Co. Ltd.	2,23,99	19,64,41
210	Sitar Paper Mills Ltd.	2,19,99	5,41,58
211	Nirlon Synthetic Fibres & Chemicals Ltd.	2,10,00	7,35,76
212	Mandya National Paper Mills Ltd.	2,02,73	5,14,97
213	Madras Rubber Factory Ltd.	1,84,31	7,31,00
214	Great Eastern Shipping Co. Ltd.	1,79,70	22,43,88
215	Brooke Bond India Pvt. Ltd.	1,67,50	17,85,48
216	Sen-Raleigh Ltd.	1,65,00	6,98,41
217	Indo Burmah Petroleum Co. Ltd.	1,50,00	5,29,55
218	Sandoz (India) Ltd.	1,49,71	8,28,41
219	Gammon India Ltd.	1,38,00	7,23,69
220	National Insulated Cable Co. of India Ltd.	1,35,00	7,04,24
221	Shree Ram Mills Ltd.	99,60	6,55,25
222	General Electric Co. of India Pvt. Ltd.	1,25,00	14,36,15
223	Binod Mills Company Ltd.	1,15,00	6,69,91
224	Parke Davis (India) Ltd.	1,05,00	7,59,95
225	Associated Electrical Industries (India) Pvt. Ltd.	1,04,00	8,78,17
226	Sayaji Mills Ltd.	1,03,59	10,49,04
227	South India Shipping Corporation Ltd.	1,00,07	21,46,28

STATEMENT OF OBJECTS AND REASONS

The appropriators must be appropriated, said Karl Marx. For the establishment of socialism in a scientific way, this is a must. The industrial companies with paid-up capital of Rs. 1 crore and above have appropriated the surplus value of the workers under them up-till now. There are 227 such private companies working at present in India.

The time has come when it becomes the bounden duty of the Government of India, dedicated to socialism, to nationalise them.

Hence this Bill.

NEW DELHI;

The 21st August, 1970.

SHIVA CHANDRA JHA.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for taking over the private companies with paid-up capital of rupees one crore and above by the Government. For this a machinery needs to be set up. It is estimated that for this purpose a recurring expenditure would be rupees five crores per year from the Consolidated Fund of India.

And for non-recurring expenditure it is further estimated that it would come to rupees two crores from the Consolidated Fund of India.

BILL No. 98 OF 1970

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1970. Short title.
2. In article 338 of the Constitution, in clause (2), after the words "all such reports", the words "together with memoranda explaining the action taken thereon" shall be inserted. Amendment of article 338.

STATEMENT OF OBJECTS AND REASONS

Several recommendations made by the Special Officer for Scheduled Castes and Scheduled Tribes remain unimplemented by the State Governments and the Central Government. If some of them cannot be implemented, the reasons for non-implementation should be made known to Parliament.

Moreover, there was a convention that the statement of action taken on the recommendations made in his previous Report should be laid on the Table of each House before the discussion on any Report was taken up. For some years, that convention has also been given a go by. No useful purpose will be served by discussing the Report without knowing the action taken thereon. Therefore, it is very necessary and desirable that the memoranda explaining the action taken on all the recommendations made in the Reports should be laid before each House of Parliament along with the Reports.

Hence this Bill.

NEW DELHI;

The 22nd August, 1970.

S. M. SIDDAYYA.

BILL No. 103 OF 1970

A Bill further to amend the Constitution of India

Be it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1970. Short title.

2. After article 330 of the Constitution, the following article shall Insertion of new article 330A.
5 be inserted, namely:—

“330A. (1) Seats shall be reserved in the Council of States for— Reserva-
tion of
seats for
Scheduled
Castes
and Sche-
duled Tribes
in the Coun-
cil of States.

(a) the Scheduled Castes;

(b) the Scheduled Tribes except the Scheduled Tribes
in the tribal areas of Assam; and

(c) the Scheduled Tribes in the autonomous districts
of Assam.

(2) The number of seats reserved in any State or Union territory for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State or Union territory in the Council of States as the population of the Scheduled Castes in the State or Union territory or of the Scheduled Tribes in the State or Union territory or part of the State or Union territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the State or Union territory."

Amendment of article 332.

3. In article 332 of the Constitution—

(i) in clause (1), after the word "State", the words "and the Union territory, wherever it exists." shall be inserted;

(ii) in Clause (3), after the word "State", wherever it occurs the words "or Union territory" shall be inserted.

Insertion of new article 332A.

reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Councils of the States.

4. After article 332 of the Constitution, the following article shall be inserted, namely:—

"332A. (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in the Legislative Council of every State, wherever it exists.

(2) The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Council of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Council as the population of the Scheduled Castes or of the Scheduled Tribes in the State, in respect of which seats are so reserved, bears to the total population of the State."

Amendment of article 334.

5. In article 334 of the Constitution,—

(i) in Part (a), after the word "States" the words "or Union territories" shall be inserted;

(ii) in the proviso, after the word "State" the words "or Union territory" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Articles 330 and 332 of the Constitution provide for reservation of seats for the Scheduled Castes and the Scheduled Tribes in Lok Sabha and the Legislative Assemblies of the States in proportion to their population. There is no such provision for reservation in Rajya Sabha and the Legislative Councils of various States. But it was hoped that they would be able to secure adequate representation in the Upper Houses gradually. That hope has not been realised even after twenty years and they still remain politically the weakest section. Besides, it is an anomaly to have reservation in one wing of the Legislature and not to have it in the other.

Secondly, the reservation provided for the Scheduled Castes and the Scheduled Tribes under article 332 is limited to the Legislative Assembly of every State and it does not extend to the Legislative Assemblies of the Union territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu, and Pondicherry. This is another anomaly. This Bill seeks to remove these anomalies by providing for reservation in Rajya Sabha and the various Legislative Councils and also in the Legislative Assemblies of the Union territories.

S. M. SIDDAYYA.

NEW DELHI;
The 31st August, 1970.

BILL No. 102 OF 1970

A Bill to provide for pension and other amenities for the ex-Members of Parliament

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Pension and other Amenities for the Ex-Members of Parliament Act, 1970.

Short title.

2. A member shall, on ceasing to be a member of either House of Parliament,—

(a) be entitled to receive a pension at the rate of two hundred and fifty rupees per mensem;

Pension, free transit by Railway and medical facilities after ceasing to be a member.

(b) be provided either with one free non-transferable first class pass or with three free non-transferable third class passes, one for the ex-member, one for the spouse and one for the attendant which shall entitle him or them, as the case may be, to travel at any time by any railway in India upto the maximum limit of ten thousand kilometres per year; and

(c) be provided with the medical facilities in the State dispensaries on the lines of the C.G.H.S.

STATEMENT OF OBJECTS AND REASONS

After serving the Nation in their capacity as Members of Parliament, some of the Members, on ceasing to be Members of Parliament, are left wholly dependent financially on others which is not in keeping with the dignity of the Members of Parliament. The purpose of this Bill is to remove the impediments in the way of ex-Members who would naturally continue to serve the society even after ceasing to be Members. Furthermore, this provision regarding pension and other amenities will be an incentive to attract good talent from all walks of life to Parliament. This system of granting pension and other amenities is prevalent in nearly all other parts of the world.

In the U.K., pensions are paid to Members and their dependants from a fund established by an Act, to which the Members contribute annually.

In the USA, Members can participate, on a contributory basis, in the general federal retirement and pension system with annuities normally starting after five years of service and attaining the age of 62. In case of death of the Member, the annuity is payable to the surviving spouse or children.

In Australia, pensions are paid to Members of Parliament from the Parliamentary Retiring Allowances Fund which consists of contributions by Members, moneys paid by Government and income derived from investments. In Belgium, each House has a pensions fund to which Members contribute annually and from which Members are paid pensions after they reach the age of 55.

Similarly, pensions are paid to Members on their retirement in Canada, Denmark, France, Netherlands, New Zealand, Norway and South Africa, mostly from funds to which Members also contribute. In some of the aforesaid countries pensions are paid to the widows and minor children of a deceased Member.

Hence the Bill.

NEW DELHI;

YAMUNA PRASAD MANDAL.

The 2nd September, 1970.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to provide for payment of pension and certain other amenities to members on their ceasing to be Members of Parliament. The amount of recurring expenditure on this account is likely to be in the neighbourhood of rupees fifteen lakhs annually. The Bill will not involve any non-recurring expenditure.

BILL No. 107 OF 1970

A Bill to provide for restoration of religious places under illegal occupation to their legal claimants

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Restoration of Religious places Act, 1970.

Short title,
extent
and com-
mence-
ment.

(2) It shall come into force at once.

(3) It extends to the whole of India.

2. All religious places located anywhere in India, belonging to one religion and brought under illegal or forcible occupation by the persons belonging to another religion or by invaders at any period, shall be restored to their legal claimants.

Restora-
tion of
religious
places

Lists of religious places.

3. The Central Government or the State Government concerned, as the case may be, shall prepare lists of all such religious places, in consultation with all the concerned parties, and after having considered their claims and counter-claims, in an appropriate manner, shall send them to the concerned authorities for necessary action.

Maintenance of communal harmony.

4. The Central and State Governments shall take necessary action to ensure communal harmony, maintain law and order and to ensure security of life and property of the citizens, while restoring such religious places.

Alternative allotment of land to persons surrendering possession.

5. Wherever possession of religious places is restored to their legal claimants, suitable and nearest alternative land, after acquiring the same, shall be provided to those who surrender such possession, for construction of their own religious places.

Grants for renovation.

6. The Central Government or the concerned State Government, as the case may be, shall give cash grants for the renovation of such restored religious places and shall ensure proper utilization of such grants.

Framing of Rules.

7. The Central Government or the concerned State Government, as the case may be, shall frame necessary rules and regulations for the disposal of all matters connected with restoration of such religious places.

Provision of Managing Councils.

8. The Central and State Governments shall constitute Councils at Central, State and District levels, in consultation with all concerned parties, which shall manage all restored places for one year and shall hand over the management to the elected representatives of legal claimants thereafter.

Disposal of disputes.

9. No dispute in matters arising out of restoration of religious places shall be disposed of by a judicial officer of a rank not lower than that of a Sessions Judge.

High level Committee.

10. (1) A case involving the restoration of religious places located in India shall not be inquired into outside India and it shall have no connection with the restoration of any religious place located outside India.

(2) The final decision in any such matter shall lie with a high level Committee comprising the President, the Vice-President, the Speaker of Lok Sabha, the Chief Justice of the Supreme Court, the Prime Minister, the leader of the Opposition in Lok Sabha and a Governor to be nominated by the President.

STATEMENT OF OBJECTS AND REASONS

A large number of religious places in India are under the possession of persons belonging to other religions/communities and many such places were handed over to their heirs by invaders after grabbing them. As a result of this, communal riots broke out in the country off and on, which are a blot on the secularism of the country and due to which many innocent people have to suffer loss of life and property.

In view of this, it is necessary that all such religious places, as are under illegal possession of people belonging to other religions, are restored to their legal claimants so as to strengthen communal harmony and national unity. Thereby, communal riots would also decrease and a sense of brotherhood would develop among various communities instead of enmity.

Hence this Bill.

NEW DELHI;

JAGANNATH RAO JOSHI.

The 6th October, 1970.

FINANCIAL MEMORANDUM

Clauses 5, 6 and 8 of the Bill provide for acquiring of certain lands, making of grants for the renovation of restored religious places and for the constitution of Managing Councils. It is rather difficult to estimate the expenditure involved. But the expenditure is not likely to be substantial.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill empowers the Central and State Governments to frame such rules and regulations as are necessary for the restoration of religious places. As it is a matter of detail, it is therefore not possible to include them in the Bill. However, the delegated legislation shall be of general nature.

Bill No. 108 of 1970

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1970.

Short title.

2. For article 155 of the Constitution, the following article shall be substituted, namely:—

Substitution of new article for article 155.

“155. The Governor of a State shall be appointed by the President, on the advice of the Chief Justice of India, by warrant under his hand and seal.”

Appointment of Governor.

Amend-
ment of
article
156.

3. In article 156 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

“(1A) The Governor may be removed from his office by order of the President on the ground of misbehaviour after the Chief Justice of India, on reference being made to him by the President, has on enquiry reported to the President that the Governor ought to be removed on any such ground.

Explanation.—Where at least one hundred members of either House of Parliament have jointly or severally written to the President that the Governor of a State has on any particular occasion acted in a partisan manner to further the cause of any political party or has deliberately not acted in accordance with well recognised constitutional conventions, it shall be a charge of misbehaviour and it shall be incumbent on the President to refer such charge to the Chief Justice of India.”

Insertion
of new
article
162A.

4. After article 162 of the Constitution, the following article shall be inserted, namely:—

Impeach-
ment of
the Gover-
nor.

“162A. (1) The Governor of a State may be impeached for violation of the Constitution, and the charge shall be preferred by either the Legislative Assembly of that State or by either House of Parliament.

(2) No such charge shall be preferred unless—

(a) the proposal to prefer such charge is contained in a resolution which has been moved after at least fourteen days' notice in writing, signed by not less than one-fourth of the total number of members of the Assembly or of either House of Parliament which prefers the charge, has been given of their intention to move the resolution; and

(b) such resolution has been passed by a majority of not less than two-thirds of the total membership of the Assembly or by a majority of the members of either House of Parliament present and voting, as the case may be.

(3) Where a charge has been so preferred, the Assembly or the House which prefers the charge shall cause the charge to be investigated and the Governor shall have the right to appear and to be represented at such investigation.

(4) If as a result of the investigation a resolution is passed by a majority of not less than two-thirds of the total membership of the Assembly or by a majority of the members of the House of Parliament by which the charge was caused to be investigated, declaring that the charge preferred against the Governor has been sustained, such resolution shall have the effect of removing the Governor from his office as from the date on which the resolution is so passed.”

Amend-
ment of
article
164.

5. In article 164 of the Constitution, in clause (1), after the existing proviso, the following further proviso shall be added, namely:—

“Provided further that the Governor shall under no circumstances dismiss the Chief Minister without giving him an opportu-

nity of proving his majority in the Assembly at an early date which shall in no case be beyond fourteen days from the date on which a doubt about the Chief Minister commanding majority in the Assembly has arisen."

6. In article 174 of the Constitution—

Amend-
ment of
article
174.

(i) in clause (1), for the words "six months", the words "three months" shall be substituted.

(ii) after clause (2), the following clauses shall be inserted, namely:—

"(3) The Governor shall not be bound to follow the advice of the Chief Minister in regard to the summoning or dissolution of the Legislative Assembly of the State, if he is satisfied that the Chief Minister does not command the support of the majority of the members of the Assembly.

(4) If the Governor is satisfied that the Chief Minister does not command the support of the majority of the members of the Legislative Assembly and the Legislative Assembly is not in session, he shall forthwith and in no case beyond fourteen days, summon the Legislative Assembly to meet at such time and place as he may determine; and he shall give the Chief Minister a reasonable opportunity of proving that he commands the support of the majority of the members of the Legislative Assembly."

7. In article 356 of the Constitution, after clause (1), the following clause shall be inserted, namely:—

Amend-
ment of
article
356.

"(1A) The Governor shall, before he sends a report to the President that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution, explore all possibilities of constituting a lawful Government, and, in particular, he shall ask the leaders of recognised political parties, whether any of them singly or in conjunction with others, are in a position to form a Government that would enjoy the support of the majority of the members of the Legislative Assembly; and only after he is *bona fide* satisfied that a stable Government cannot be so formed, he shall advise the President accordingly and in verifying whether a party or group of parties has a majority in the Assembly, the Governor shall take into account the written statement or statements of the members of the Legislative Assembly supported by affidavits."

STATEMENT OF OBJECTS AND REASONS

The recent happenings in Uttar Pradesh and the action of the Governor in recommending President's rule even when the doubt about the Chief Minister commanding a majority in the Assembly could be tested in the Assembly which was scheduled to meet in less than a week have shown that in the absence of specific provisions in the Constitution, the Governors are apt to act in a capricious manner. In certain other States also in the past, the Governors have not acted in as impartial and fair a manner as was expected of them. As a consequence democracy in the country has been weakened and Governors have failed to uphold the Constitution.

It has, therefore, become imperative that specific provisions are incorporated into the Constitution, whereby the discretion of Governors in the matter of dismissal of Chief Ministers or recommending President's rule is put on as sound a footing as possible.

It has also been seen on occasions that where a Chief Minister has lost his majority, he may recommend to the Governor to dissolve the Legislative Assembly, rather than face the Assembly, thereby precluding an opportunity being given to opposition parties which may singly or in coalition be in a position to form a stable Government in the State. In such cases, it is desirable to provide that where a Chief Minister has lost his majority, the Governor shall not be bound to accept or act on his advice to dissolve the Legislative Assembly.

It is also imperative to provide that if the Governor has formed the opinion that the Chief Minister has lost his majority and the Assembly is not in session, he shall be bound to summon the Legislative Assembly at the earliest possible moment and shall give an opportunity to the Chief Minister to prove his majority in the Assembly; and the Governor shall not, acting capriciously or in partisan manner, dismiss the Chief Minister, even though the latter may have asked for the summoning of the Assembly immediately and may be prepared to prove his majority therein.

Governors at present are appointed by the President, which, in effect, means appointment by the Home Minister. The power to appoint also carries with it the power to dismiss. It has been observed that during the last 2-3 years, the ruling Party at the Centre has been exercising undue influence upon the Governors to act according to the wishes of the Centre, to the detriment of the Opposition Parties, even though this may involve failure to uphold the Constitution and interpretation of the Constitution which may be patently wrong. It is, therefore, necessary to provide that Governors shall be appointed and dismissed not by the President acting on the advice of the Cabinet but by the President on the advice of the Chief Justice of India, who is not at all involved in party politics.

The Constitution incorporates provision for impeachment of the President but no such provision is to be found for impeachment of the Governors. It was probably thought by the Founding Fathers that since the Governor could be dismissed by the President, such a provision would not be necessary. But events have proved that Governors tend to act

at the behest of the Centre in a partisam manner and in violation of the Constitution at times. It is necessary that the power to impeach should be conferred on the respective Legislative Assembly and the Houses of Parliament in the case of Governors. This would provide a healthy check on the Governor acting in a reckless manner and failing to uphold the Constitution.

Besides, article 174 of the Constitution provides that six months shall not intervene between two sittings of the Legislative Assembly. This may enable the Chief Minister to avoid facing the Assembly for a considerable time, even though he may have lost the majority in the Assembly. The period is sought to be reduced from six months to three months.

It has been observed in the past that even where a party or group of parties have represented to the Governor that they enjoy the support of the majority of the members of the Legislative Assembly, the Governor has not given them an opportunity of forming a Government and instead has recommended to the President that a situation has arisen in which the Government of the State cannot be carried on in accordance with the provisions of the Constitution. The proposed amendment provides that it shall be obligatory for the Governor to explore all possibilities of constituting a lawful Government and where a number of M.L.As. submit affidavits to the Governor stating that they support a particular person or party or group of parties, in that event the Governor shall be bound to consider those affidavits; and if a total of such members supporting a particular person or party or group of parties add up to a majority of the total members of the Assembly, then he shall call upon the leader of such party or group of parties to form a Government.

These amendments are of vital importance for safeguarding democracy in this country.

NEW DELHI;

S. S. KOTHARI

The 6th October, 1970.

BILL No. 106 OF 1970

A Bill further to amend the Code of Criminal Procedure, 1898

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1970.

(2) It shall come into force at once.

Short
title and
commence-
ment.

Substitution of Chapter XI.

2. In the Code of Criminal Procedure, 1898, for Chapter XI and section 144, the following shall be substituted, namely:—

“CHAPTER XI

TEMPORARY PREVENTIVE ORDERS IN URGENT CASES INVOLVING SERIOUS DISTURBANCE OF PUBLIC ORDER OR OUTBREAK OF GENERAL DISORDER AFFECTING THE COMMUNITY.

Power to issue a preventive order *ad interim* at once and absolute order later in urgent cases involving a serious disturbance of public order or an outbreak of general disorder affecting the community.

144. (1) In cases where, in the opinion of a District Magistrate, a Chief Presidency Magistrate, a Sub-divisional Magistrate or of any other Magistrate (not being a Magistrate of the third class) specially empowered by the State Government or the Chief Presidency Magistrate or the District Magistrate to act under this section, there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable,

such Magistrate may, by a written order stating the material facts of the case and served in manner provided by section 134, direct any person to abstain from a certain act or to take certain order with certain property in his possession or under his management, if such Magistrate considers that such direction will prevent serious disturbance of public order or outbreak of a communal riot or general disorder affecting the community.

(2) An order under this section may, in cases of emergency and in cases where the circumstances do not admit of the serving in due time of a notice upon the person or the persons against whom the order is directed, be passed *ex parte*:

Provided that this order shall be interim in nature in the first instance and shall not be made absolute unless within forty-eight hours, the Magistrate, after hearing the parties affected by the order, desiring to be heard, if any, makes the order absolute stating the reasons therefor.

(3) Order or orders under this section may be directed to a particular individual, or group of individuals or to the public generally when frequenting or visiting a particular place after stating the reasons for making this order applicable to a particular category.

(4) Any Magistrate may either on his own motion or after hearing the parties affected in the case of interim orders within forty-eight hours or on the application of any person aggrieved, in the case of an absolute order after regular hearings, rescind or alter any such interim or absolute order made under this section by himself or by his predecessor in office.

(5) Where such an application is received, in respect of an order absolute issued by the Magistrate, the Magistrate shall afford to the applicant an early opportunity of appearing before him either

in person or by pleader and showing cause against the order; and, if the Magistrate rejects the application wholly or in part, he shall record his reasons in writing for doing so.

(6) No order absolute under this section shall remain in force for more than a week but this period may be extended from time to time upto a maximum period of one month from the making thereof."

STATEMENT OF OBJECTS AND REASONS

The present Criminal Procedure Code confers on the Magistrates extraordinary and arbitrary powers to impose sweeping restrictions on the right to assemble peaceably conferred by article 19(1)(b) of the Constitution. The present powers are so wide that they also include "prevention or obstruction, annoyance or injury to any person lawfully employed or danger to human life, health or safety or a disturbance of the public tranquillity...or an affray" as grounds for imposing these restrictions.

Further, the Magistrates can pass *ex-parte* orders of a duration upto two months. Previous restraint on exercise of Fundamental Rights when imposed *ex-parte* without proper hearings which alone can establish whether circumstances exist to warrant such restrictions militates against the right of free expression and demonstration which is fundamental for a democratic society.

This Bill seeks to restrict the scope of previous restraint only to matters which have a bearing on public order. It also seeks to restrict the duration of *ex-parte* orders to 48 hours beyond which the order cannot be extended without holding proper hearings. While enabling the Magistrates to meet all emergency situations involving serious breaches of public order, this Bill will at the same time provide the necessary safeguards for the members of the public and will prevent infringement or restriction of civil liberties merely on the ground of administrative convenience or expediency. The Bill, in brief, seeks to reconcile the claims of public order with Fundamental Rights which are at the core of the democratic process.

MADHU LIMAYE.

NEW DELHI;

The 11th October, 1970.

BILL No. 109 OF 1970

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1970.
2. In article 124 of the Constitution, after the first proviso to clause (2), the following further provisos shall be inserted, namely:—

“Provided further that the senior most Judge of the Supreme Court shall be appointed as the Chief Justice:

Provided further that no one shall be appointed the Chief Justice who has not served for at least two years as a Judge of the Supreme Court:”

Short
title.

Amend-
ment of
article
124.

STATEMENT OF OBJECTS AND REASONS

The Constitution of India does not lay down any procedure for the appointment of the Chief Justice of the Supreme Court, though the Constitution is clear regarding the procedure of the appointment of other Judges of the Supreme Court. Any citizen of India who has been a Judge of a High Court or of two or more such courts for five years or has been an advocate of a High Court or of two or more such Courts for at least ten years and is considered by the President as a distinguished jurist is eligible for such appointment. The appointment of the Chief Justice of the Supreme Court is within the discretionary power of the President who acts on the advice of the Council of Ministers. It is, therefore, high time that the procedure for the appointment of the Chief Justice of the Supreme Court is laid down.

Hence this Bill.

NEW DELHI;

The 7th October, 1970

BILL No. 105 OF 1970

A Bill to provide a guaranty for employment to every citizen of the age of eighteen years or more and in particular to the citizens belonging to the Scheduled Castes or Scheduled Tribes, who have been registered at the Employment Exchanges.

Be it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Employment Guaranty Act, 1970.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
and com-
mence-
ment.

2. In this Act,—

(a) “citizen registered at the Employment Exchange” means a person who has duly entered his name at a Government Employment Exchange office established in the country.

Defini-
tions.

(b) “employment” means a post or a job or a service in the Public Services of the Central or State Government or the Public Undertakings, factories or such other workshops or industrial or commercial activities in which Government have invested capital or given aid in money or otherwise.

- (c) "guaranty" for the employment means a security by the appropriate Governments for providing an adequate means of livelihood as has been envisaged in article 39(a) of the Constitution or an effective provision for securing the right to public assistance in case of unemployment as laid down in article 41 read with the Preamble of the Constitution, or in the alternative or in lieu of, an unemployment allowance in terms of money-value.
- (d) "recent Census" means the Census of 1961 or that of 1971, if it be completed at the commencement of this Act or rules framed in accordance with the Act.
- (e) "Register" means a register regularly and lawfully kept at the Employment Exchanges for recording or enlisting the name.
- (f) "unemployment allowance" means the quantum of subsistence allowance to be given to the citizen, who is on the live register during his or her unemployment period, by the appropriate Government in accordance with the rules framed in this behalf by those Governments and approved by Parliament.

Guaranty
for employ-
ment.

3. The State shall provide an employment or an adequate means of livelihood and shall give guaranty for this purpose to every citizen, man or woman, of the age of eighteen years or above who has registered his or her name at the office of an Employment Exchange.

Unemploy-
ment al-
lowance
to be
given to
the un-
employed
person.

4. In case of unemployment or non-provision of adequate means of livelihood to such candidate as is registered under Section 3 of this Act, the appropriate Government shall pay to him or her a reasonable and an adequate amount of allowance to be fixed and paid by it in accordance with the rules framed by the Central Government and approved by Parliament.

Reserva-
tions of
services
for the
Scheduled
Castes and
Scheduled
Tribes.

5. The State shall, in particular, secure reservations of posts or jobs or services in the Public Services of the Central and State Governments for the Scheduled Castes and the Scheduled Tribes in proportion to their respective percentage of population figures laid down in the recent Census of India.

Establish-
ment of
more Em-
ployment
Ex-
changes.

6. For securing effectively and adequately employment for every unemployed person whose name is on the live Register, the Central Government shall establish Employment Exchanges in every part of the country commensurate with or co-extensive to and on the analogy of the offices of Posts and Telegraphs of the Union Government.

Machinery
for
inspec-
tion of
registers.

7. The Central Government shall evolve an effective machinery for the periodical and surprise inspection of registers kept at the Employment Exchanges for Scheduled Castes and Scheduled Tribes candidates.

Power to
make
rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, such rules may provide for determining the quantum of the unemployment allowance and its manner of payment.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be, after it is made, before each House of Parliament.

9. Any person aggrieved by non-provision of employment or non-payment of unemployment allowance, shall get his legitimate claim redressed in the Employment Court or Tribunals established for that purpose or in any Civil Court at the cost of the Government or at a cost of maximum court fee stamp of twenty-five paise.

Claim for
payment of
unemploy-
ment al-
lowance.

STATEMENT OF OBJECTS AND REASONS

Of all the problems in the world, today, the most vexing problem is the problem of unemployment. In our own country, unemployment situation is growing worse, day by day. All our planning and the expenditure of nearly fifteen thousand crores of rupees over the three Five Year Plans have become completely futile and ineffective to arrest the sinister growth of unemployment.

Under these circumstances, what is absolutely necessary is to provide some sort of definite guaranty to every young employment aspirant that he or she will be provided with an adequate means of livelihood. If Government fails to provide an employment or a job, it must, in the alternative, provide him or her an unemployment allowance in terms of money.

Hence this Bill.

NEW DELHI;
The 1st September, 1970.

RAM SUBHAG SINGH.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE
CONSTITUTION OF INDIA

[Copy of letter No. MP-10(158)/1970, dated the 19th October, 1970 from Shri D. Sanjivayya, Minister of Labour, Employment and Rehabilitation to the Secretary, Lok Sabha.]

The President, having been informed of the subject matter of the Employment Guaranty Bill, 1970 by Dr. Ram Subhag Singh, M.P., recommends the consideration of the Bill in the Lok Sabha under article 117(3) of the Constitution.

FINANCIAL MEMORANDUM

The Bill in question creates certain legal obligations binding on the Central Government to provide a job or an adequate means of livelihood to any person enlisting his or her name on the Register of the Employment Exchanges. In case of failure to provide the same the said Government is bound to pay a reasonable and an adequate amount of unemployment allowance in terms of money.

This means that there is likelihood of being involved in a great expenditure and consequently there would be a burden on the Consolidated Fund of India.

For this purpose some provision of nearly one thousand crores of rupees every year during the Plan period is quite necessary to meet the situation. There will be no non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. In particular, this clause provides for framing of rules to determine the quantum of unemployment allowance. These are matters of detail or procedure and as such the delegation of power is of normal character.

BILL No. 110 OF 1970

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1970.

Substi-
tution of
new
article
for
article
155.

2. For article 155 of the Constitution, the following article shall be substituted, namely:—

“155. The Governor of a State shall be appointed by Parliament under warrant issued under the hand and seal of the President.”

Appoint-
ment of
Gover-
nor.

STATEMENT OF OBJECTS AND REASONS

The role of Governors has been highly controversial one. In recent months, the Governors of Bihar, Punjab, U.P. etc. have acted while facing similar or almost similar situations in a manner which arouses grave misgivings about this august public office. There are reasonable grounds for the widespread public apprehension that Governors are acting at the bidding of the ruling party at the Centre.

Governors are, at present, appointees of the ruling party at the Centre and can be susceptible to extraneous influences in the discharge of their duty. In U.P. and earlier in Bihar, there was flagrant violation of the constitutional duty cast upon the Governor and a breach of the solemn oath of office. This Bill, therefore, seeks to bring the office of the Governor within the purview of democratic and parliamentary processes.

NEW DELHI;

RAM SUBHAG SINGH.

The 7th October, 1970.

S. L. SHAKDHER,

Secretary.